

Message Text

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ORIGIN DLOS-09

INFO OCT-01 EUR-12 IO-13 ISO-00 OES-07 DODE-00 L-03
PM-05 SSO-00 DHA-05 CU-04 USIE-00 INRE-00 CIAE-00
INR-07 ACDA-07 NSAE-00 PA-01 SS-15 PRS-01 SP-02
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TO USMISSION NATO IMMEDIATE
INFO AMEMBASSY BONN IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L STATE 206381

NATO HOLD FOR OPENING OF BUSINESS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: FRG PAPER ON USE OF TERM QTE PEACEFUL PURPOSES UNQTE IN LOS NEGOTIATIONS

REF: USNATO 7527 USNATO 8153

1. DEPARTMENT HAS REVIEWED SUBJECT PAPER AND PROVIDES FOLLOWING GUIDANCE AS REQUESTED REFEELS:

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-- THE UNITED STATES HAS CONSISTENTLY TAKEN THE POSITION THAT THE TERM QTE PEACEFUL PURPOSES UNQTE DOES NOT PRECLUDE MILITARY ACTIVITIES GENERALLY. IT HAS CONSISTENTLY BEEN THE POSITION OF THE UNITED STATES THAT THE CONDUCT OF MILITARY ACTIVITIES FOR PEACEFUL PURPOSES IS IN FULL ACCORD WITH THE CHARTER OF THE UNITED NATIONS AND WITH THE PRINCIPLES OF IN-

TERNATIONAL LAW. ANY SPECIFIC LIMITATION ON MILITARY ACTIVITIES WOULD REQUIRE THE NEGOTIATION OF A DETAILED ARMS CONTROL AGREEMENT. A LAW OF THE SEA CONFERENCE IS NOT CHARGED WITH SUCH A PURPOSE; IT IS NOT PREPARED FOR SUCH A NEGOTIATION; AND TO TRY TO TURN ATTENTION TO SUCH COMPLEX TASKS COULD QUICKLY BRING TO AN END CURRENT EFFORTS TO NEGOTIATE A LAW OF THE SEA CONVENTION.

-- WE DO NOT BELIEVE THAT THE TERM QTE PEACEFUL PURPOSES UNQTE

AS CONTAINED IN VARIOUS PROVISIONS OF THE INFORMAL COMPOSITE NEGOTIATING TEXT (ICNT) PRECLUDES MILITARY ACTIVITIES GENERALLY IN THE OCEANS. IN THIS REGARD CONSIDERATION IS BEING GIVEN TO WHETHER AT THE APPROPRIATE TIME A STATEMENT ON THE RECORD SHOULD BE MADE. WE WOULD NOTE THAT THE CHAIRMAN OF THE UNITED STATES DELEGATION ON APRIL 23, 1976, MADE A STATEMENT TO THIS EFFECT BEFORE THE PLENARY OF THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA.

-- IN ADDITION, AND CONSISTENT WITH OUR POSITION STATED ABOVE, THE UNITED STATES HAS STEADFASTLY ADVOCATED AN EXCEPTION CONCERNING MILITARY ACTIVITIES FROM THE PROVISIONS FOR THE COMPULSORY SETTLEMENT OF DISPUTES.

-- WE WOULD URGE OUR ALLIES TO SUPPORT US IN OUR INTERPRETATION OF THE TERM QTE PEACEFUL PURPOSES UNQTE AND IN OUR CONFIDENTIAL

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ADVOCACY OF A MILITARY EXCEPTION TO THE PROVISIONS FOR THE COMPULSORY SETTLEMENT OF DISPUTES.

-- THE UNITED STATES DOES NOT BELIEVE THAT THE USE OF THE TERM QTE PEACEFUL PURPOSES UNQTE IN PROVISIONS OF A LAW OF THE SEA TREATY WILL IN AND OF ITSELF LEAD TO CONCRETE RESTRICTIONS ON MILITARY ACTIVITIES IN THE SEA. WHILE WE RECOGNIZE THAT CERTAIN STATES MAY ATTEMPT TO UTILIZE THAT TERM IN A MANNER CONTRARY TO OUR INTERESTS, WE BELIEVE SUCH STATES WOULD ACT IN SUCH A MANNER IN ANY EVENT. NEEDLESS TO SAY, WE WILL OPPOSE ANY SUCH ATTEMPTS.

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Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
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